IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 6309 of 1998

Between:

S. Panduranga Reddy s/o Subba Reddy, 32 years,r/o Sreenivasa Agraharam, Nellore.

..... PETITIONER

AND

1. Secretary, Regional Transport Authority, Nellore.
2. APSRTC rep., by its Managing Director, Musheerabad, Hyderabad.

(R.2 is impleaded as per the orders of the Court dated 17-01-2005 vide W.P.M.P.No. 14209 of 2004).

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other Writ, order or direction, holding that the action of the respondents in not granting temporary stage carriage permits to the petitioner to ply on the modified town service route: Atmakur Bus stand to Butchi Tyagarayanagar cross roads in compliance with the orders of this Hon'ble Court in W.P.No. 28659 of 1997 dated 01-11-1997 as arbitrary, illegal and consequently direct the respondents herein to grant temporary permits on the aforesaid route forthwith to the petitioner.

Counsel for the Petitioner: MR.NOUSHAD ALI

Counsel for the Respondent No.1: G.P. FOR TRANSPORT

Counsel for the Respondent No. 2: MR. K. SRINIVAS RAO, S.C. for A.P.S.R.T.C.

The Court made the following:

Oral order:-

The writ petition is filed aggrieved by the inaction of the respondents in not considering the petitioner's application for grant of temporary stage carriage permit to ply on the modified town service route: Atmakur Bus stand to Butchi Tyagarayanagar Cross-roads.

The petitioner filed applications for grant of pucca stage carriage permit to ply on the modified town service route: Atmakur Bus stand to Butchi Tyagarayanagar cross-roads. As those applications were not disposed of, he also made applications for grant of temporary stage carriage permits on the same route. These too were not disposed of. He thereupon filed W.P.No. 28659 of 1997. By the order dated 01-11-1997, this court, in the aforesaid writ petition, directed the 2nd respondent therein to consider and dispose of, within two months or in the ensuing R.T.A. meeting, whichever is earlier, the applications of the petitioner for grant of temporary stage carriage permits and failing to do so, the 2nd respondent therein shall have to issue the petitioner a temporary stage carriage permit on the route, in accordance with rules. Despite these orders, the respondent neither disposed of the applications for grant of temporary stage carriage permit nor even the applications for a pucca stage carriage permit were considered. In the circumstances, this writ petition is filed seeking the relief already adverted to. No counter has been filed by the respondents in this writ petition of 1998.

In this writ petition, a direction was granted to the respondents to permit the

petitioner to ply his vehicle bearing registration No. TCM-9009 by the grant of a temporary stage carriage permit on the modified town service route: Atmakur Bus stand to Buchityagarayanagar cross-roads, pending disposal of the writ petition. Pursuant to the mandatory directions above, the respondent has granted a temporary permit and the petitioner is plying the vehicle on the basis of a such permit.

The above circumstances disclose and demonstrate, the utter collapse of administrative discipline in the transport department, in particular of the respondent herein. Abdicating its functions to consider the application for grant of temporary stage carriage permit, the respondent, has, however, seen it fit to grant a temporary stage carriage permit on the basis of an interim direction granted by this court in a writ petition. The situation resulting in the temporary stage carriage permit having in effect been granted by this court, could have been averted, if the respondent had been alive and awake to the performance of its statutory functions. If the respondent fails to perform its statutory functions, there appears no justification for its continuance in office or drawal of salary from the public exchequer. If there was any administrative circumstance on account of which the respondent could not dispose of the petitioner's applications in time, the respondent should have sensitized this court or made appropriate administrative requests for allocation of adequate staff or personnel to the Government. The provisions of the federal legislation cannot, however, be subverted by intransigence and inaction by the respondent. This court deprecates the conduct of the respondents, in the circumstances.

In the facts and circumstances of the case, the writ petition is disposed of directing the respondents to consider and dispose of the petitioner's application for pucca stage carriage permit as well as a temporary stage carriage permit on the modified town service route: Atmakur bustand to Buchityagarayanagar cross-roads, within two weeks from the date of receipt of a copy of this order. In this the respondents shall fail not. The interim order dated 11-03-1998 stands dissolved.

GODA RAGHURAM, J

Dt. 17-01-2005.

Pvks/*

To

1.Secretary, Regional Transport Authority, Nellore.

2.The Managing Director, APSRTC, Musheerabad, Hyderabad.

3.2CCs to the Government Pleader for Transport, A.P. High Court Buildings, Hyderabad.

4.2CD copies

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